

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
CENTRAL**

MINUTE ORDER

Date: 08/28/2009

Time: 10:00:00 AM

Dept: C-71

Judicial Officer Presiding: Judge Ronald S. Prager

Clerk: Kathleen Sandoval

Bailiff/Court Attendant: L. Wilks

ERM: Leslie Hedstrom #8130

Case Init. Date: 12/03/2001

Case No: JCCP4221

Case Title: JCCP4221 COORDINATION PROCEEDING
NATURAL GAS ANTI-TRUST CASES

Case Category: Civil - Unlimited

Case Type: Antitrust/Trade Regulation

Event Type: Motion Hearing (Civil)

Causal Document & Date Filed:

Appearances:

Appearances by nanci Nishimura present telephonically for the Plaintiffs, Steven Ellis is present telephonically for the Defendant.

The Court confirms the tentative ruling as follows:

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The Court rules on defendant CMS Energy Resources Management Co.'s ("CMS") motion for determination of good faith settlement as follows:

This unopposed motion for good faith settlement is GRANTED for the reasons stated below.

The factors that a Court considers in evaluating whether a settlement was made in good faith is set forth in *Tech-Bilt, Inc. v. Woodward-Clyde & Associates* (1985) 38 Cal.3d 488, 499 (hereafter "*Tech-Bilt*").

Here, CMS set forth sufficient evidence for this Court find that the requirements outlined in *Tech-Bilt* have been met in this case. Based on the information provided by CMS, the Court concludes that the settlement between the Independent Plaintiffs and CMS is within the ballpark of its proportionate share of liability. (Ellis Dec., Exh. A.) The Court also notes that no evidence of collusion, fraud, or tortious conduct has been brought to this Court's attention.

IT IS SO ORDERED.